



General Assembly

Fifty-ninth session

80th plenary meeting

Thursday, 20 January 2005, 10 a.m.

New York

Official Records

President: Mr. Ping (Gabon)

The meeting was called to order at 10.10 a.m.

Agenda item 8 (continued)

Organization of work, adoption of the agenda and allocation of items: request for the reopening of the consideration of agenda item 18

The President (spoke in French): I invite the attention of the General Assembly to documents A/59/666 and A/59/676, circulated under agenda item 18, "Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991".

Members will recall that the General Assembly concluded consideration of agenda item 18 at its 57th plenary meeting, held on 18 and 19 November 2004.

In order to enable the General Assembly to consider the letter from the Secretary-General dated 6 January 2005 and the letter from the President of the Security Council dated 18 January 2005, both addressed to the President of the General Assembly, contained in documents A/59/666 and A/59/676 respectively, it will be necessary to reopen consideration of agenda item 18.

May I take it that it is the wish of the General Assembly to reopen consideration of agenda item 18?

It was so decided.

The President (spoke in French): In order for the General Assembly to take action expeditiously on documents A/59/666 and A/59/676, may I take it also that the Assembly agrees to proceed immediately to the consideration of agenda item 18?

It was so decided.

Agenda item 18 (continued)

Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 6 January 2005 from the Secretary-General addressed to the President of the General Assembly (A/59/666)

Letter dated 18 January 2005 from the President of the Security Council addressed to the President of the General Assembly (A/59/676)

The President (spoke in French): In his letter, the Secretary-General informs the Assembly that the term of office of the members of the current pool of ad litem judges of the Tribunal will come to an end on 11 June 2005 and that they are not eligible for re-election. He further advises that, of the nine ad litem judges who are currently serving in the Tribunal, two are adjudicating in a case that was due to finish within the next two weeks. The case is now finished. The

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other seven, however, are adjudicating in cases which are anticipated to continue beyond 11 June 2005.

Ad litem judges Brydensholt and Eser are currently adjudicating in the Orić case. It is anticipated that the hearings in that case will be completed and judgement handed down in November 2005.

Ad litem judges Rasoazany and Swart are adjudicating in the trial of the Hadžihasanović case. It is anticipated that hearings in that case will be completed and judgement handed down in September 2005.

Ad litem judges Thelin and Van den Wyngaert are adjudicating in the trial of the Limaj case. It is anticipated that hearings in that case will be completed and judgement handed down in November 2005.

Ad litem judge Canivell is adjudicating in the trial of the Krajišnik case. It is anticipated that hearings in the case should be completed and judgement handed down in April 2006.

In the absence of any provision in the statute of the International Tribunal for the Former Yugoslavia whereby judges continue to discharge their duties until they are replaced and, thereafter, until they finish any cases that they may have begun, the approval of the Security Council, as the parent organ of the Tribunal, and of the General Assembly, as the organ that elects its judges, would be needed in order to permit the seven ad litem judges concerned to continue to serve in the Tribunal beyond 11 June 2005 and to finish the cases in which they are currently adjudicating, notwithstanding the expiry of their terms of office.

The Secretary-General further informs the Assembly that he has received requests from Judge Meron, President of the International Tribunal, to appoint two additional members from the current pool of ad litem judges to serve in the Tribunal for trying cases. In both cases, it is anticipated that the trials concerned will continue beyond 11 June 2005.

The Secretary-General was requested to appoint ad litem judge Szénási to serve in the Tribunal for the trial of the Halilović case. The trial is ready to commence on 24 January 2005 and judgement would be handed down in October 2005.

The Secretary-General has also been requested to appoint ad litem judge Hanoteau to serve in the Tribunal for the trial of the Krajišnik case in time for hearings to be able to resume as early as 14 February 2005. It is anticipated that proceedings in the case

would be completed and judgement handed down in April 2006.

The Secretary-General considers that it would be highly desirable for the Security Council and the General Assembly first to agree that the judges concerned, if appointed, may continue to serve in the Tribunal for the trials of the two cases in question and to finish those trials, notwithstanding the expiry of their term of office.

In the letter addressed to the President of the General Assembly contained in document A/59/676, the President of the Security Council draws attention to Council resolution 1581 (2005) of 18 January 2005, whereby the Council, *inter alia*:

"1. Decides, in response to the request by the Secretary-General, that:

"(a) Judge Rasoazany and Judge Swart, once replaced as ad litem judges of the International Tribunal, finish the Hadžihasanović case, which they have begun before expiry of their term of office;

"(b) Judge Brydensholt and Judge Eser, once replaced as ad litem judges of the International Tribunal, finish the Orić case, which they have begun before expiry of their term of office;

"(c) Judge Thelin and Judge Van den Wyngaert, once replaced as ad litem judges of the International Tribunal, finish the Limaj case, which they have begun before expiry of their term of office;

"(d) Judge Canivell, once replaced as an ad litem judge of the International Tribunal, finish the Krajišnik case, which he has begun before expiry of his term of office;

"(e) Judge Szénási, if appointed to serve in the International Tribunal for the trial of the Halilović case, proceed, once replaced as an ad litem judge of the International Tribunal, to finish that case, which he would have begun before expiry of his term of office;

"(f) Judge Hanoteau, if appointed to serve in the International Tribunal for the trial of the Krajišnik case, proceed, once replaced as an ad litem judge of the International Tribunal, to finish that case, which he would have begun before expiry of his term of office;

"2. Takes note in this regard of the intention of the International Tribunal to finish the Hadžihasanović case before the end of September 2005, the Halilović case before the end of October 2005, the Orić and Limaj cases before the end of November 2005 and the Krajišnik case before the end of April 2006."

If there is no objection, I propose that the Assembly decide to endorse those recommendations of the Secretary-General that were endorsed by the Security Council in its resolution 1581 (2005) of 18 January 2005.

It was so decided.

The President (*spoke in French*): The General Assembly has thus concluded this stage of its consideration of agenda item 18.

Agenda item 43

Follow-up to the outcome of the twenty-sixth special session: implementation of the Declaration of Commitment on HIV/AIDS

Draft decision (A/59/L.59)

The President (*spoke in French*): We shall now proceed to consider draft decision A/59/L.59.

The Assembly will now take a decision on draft decision A/59/L.59, entitled "Participation of civil society representatives in the high-level meeting to review the progress achieved in realizing commitments set out in the Declaration of Commitment on HIV/AIDS".

May I take it that the Assembly decides to adopt draft decision A/59/L.59?

The draft decision was adopted.

The President (*spoke in French*): For the sake of clarity, I should like to inform the Assembly that the decision that has just been adopted authorizes the 15 representatives of civil society to participate in the round table of the high-level meeting to review the progress achieved in realizing the commitments set out in the Declaration of Commitment on HIV/AIDS, pursuant to paragraph 3 (d) of resolution 58/313 of 1 July 2004.

The General Assembly has thus concluded this stage of its consideration of agenda item 43.

The meeting rose at 10.25 a.m.